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To: Microsoft ATR
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Subject: microsoft settlement

I'm no legal expert, so excuse me if I may sound confused when I complain about the language in the proposed Microsoft settlement. I disagree with this settlement for several reasons.

First of all, I am uncomfortable with the fact that the settlement seems to be extending Microsoft's monopoly power by having them donate their software to schools. Apple computer already has about half of this market from some of the estimates I've heard, and it seems this settlement will give them greater leverage in this market. In addition, it will also serve to shut out open source solutions like Linux in the field of education, where the lack of funds make it an incredible low-cost resource.

This is absurd to me because education is an area where Microsoft's competitors have a lot of leverage. I'm amazed that this settlement would jeopardize this.

In addition, I'm astounded that they will be able to write off much of this penalty on their software. They are allowed to price their donated software at a similar cost to what they would cost consumers, and much of this inflated price has nothing to do with actual material production costs for distribution. I think a greater deal of the money they donate should be put into computer hardware.

But overall I don't agree with having them donate any of their software, especially under the conditions of this settlement, where the schools who receive the software will be forced to pay a steep licensing fee after five years of use. This seems not to benefit the schools but to lock them in as future consumers for Microsoft, which merely extends their monopoly.

I think any settlement must provide real leverage to Microsoft's competitors, which include Apple and those in the open source community.

Their practices have, and sadly, still do try to shut out all their competition. Even today we see them bundling Windows Media Player with their operating

system, allowing them to shut out their primary competitor in media viewers, Real Networks, in ways that loudly echo what they did to Netscape. Any solution to this problem must level the playing field and allow companies like Real Networks to compete. I feel one of the best ways to do this would be to open up their source code for viewing, as it would give competitors the opportunity to make their software perform just as powerfully as Microsoft's.

Another area of the settlement that concerns me is some of the language explaining how they can deal with non-profits. Basically, I think it's absurd that they can refuse to provide information about or license API, documentation, or communications protocols to non-profit groups (which is just another name for the open-source community) that don't meet Microsoft's criteria for business. This effectively kills a lot of the robust open-source applications like SAMBA and reduces competition.

I understand that the open-source movement isn't concerned with profit, but I actually believe it provides one of the best source of competition to Microsoft, and I believe that it is a place where competitors can realize profits. Much of what counts in the IT industry is the brainpower of those who develop and support solutions, and much of what has emerged from the open source movement has "greased the wheels" in the industry to allow for collaboration and powerful standards where they are needed. It is with open source tools that competitors have a more solid foundation to compete for profit and revenue with their own software.

It is possible to use proprietary software in an open source environment, or in conjunction with open source tools, and as a student programmer I think it offers an much better environment for people like me to be an entrepreneur with my software than the environment Microsoft has created.

It's crucial that the Microsoft settlement doesn't allow them to block out anything that's open source, because if competitors like IBM are embracing things like Linux I think it's clear that open source offers many powerful opportunities for others in the industry. Some people believe the open source movement is "the" threat to Microsoft's monopoly

power, and this settlement is a shameful farce that appears to extend that power.

I also want to support Steve Satchell in his bid to be a part of the three-member oversight committee that will see that Microsoft cooperates with whatever settlement is ultimately passed.

thank you,
Sean Bratnobar

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